HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(S) No. 6619 of 2007

PETITIONER Ramesh Kumar Tripathi S/o Late Kalpnath Tripathi, Aged about 39 years, R/o Q. No. 11, Street No. 13/A R. Vasundhara Nagar, Bhilai – 3 Tah. Patan, District Durg (CG)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through its Secretary, Department of Higher Education, Mantralaya, D.K.S. Bhawan, Raipur, Distt-Raipur (C.G.)
2. Commissioner, Directorate of Higher Education, Govt. of Chhattisgarh, Raipur
3. Collector, Durg (C.G.)
4. Principal, Govt. College, Arjunda, Distt. Durg (CG)
5. Principal, Dr. K.B. Govt. P.G. College, Bhilai- 3, District Durg (CG)
6. Lalit Prasad Verma, Sports Officer, Govt. College, Arjunda, District Durg (CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Presence :

Smt. Fouzia Mirza, counsel for the petitioner.

Shri Satish Gupta, Dy. Govt. Advocate for the State on advance copy.

ORAL ORDER
(16.11.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The petitioner, who is working on the post of Sports Officer, has been transferred from Bhilai, District Durg to Arjunda, District Durg by order dated 25.10.2007 (Annexure-P/1).

Learned counsel for the petitioner argues that the daughter of the petitioner is studying in Class 12th, therefore, if the order of transfer is effected, it may affected the studies of his daughter. She also argues that the petitioner was transferred to Bhilai on 30.6.2006 and just after a period of one year, he has been transferred to Arjunda.

So far as ground of daughter studying in local institution, that is not the ground for a court of law to interfere with the order of transfer. The second ground is that the petitioner has been transferred just after one year also does not give any right to file writ petition, unless, it is shown that the order has been passed on malafide.

The transfer is an incidence of service. Nobody working on a transferable post can claim for his posting at a particular place. Who should be posted where is to be seen by the employer which depends upon the administrative exigency as also public interest. Unless the order of transfer is shown to be vitiated by malafides, extraneous considerations or is shown to be passed against any statutory rule or the Act, the same cannot be interfered with by a Court of law, is the settled view of the Apex Court.

Learned counsel for the petitioner could not point out any such ground of malafide or of extraneous consideration or that the order has been passed against any statutory rule or the Act.

I do not find any reason to interfere with the order of transfer of the petitioner on this ground. The petition has no merit and the same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

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